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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,459	12/20/2005	Wilhelmus Johannes Van Houtum	NL 030714	8228

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NXP, B.V.
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EXAMINER	
HANNON, CHRISTIAN A	
ART UNIT	**PAPER NUMBER**
2618	

NOTIFICATION DATE	DELIVERY MODE
03/05/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

Advisory Action Before the Filing of an Appeal Brief	**Application No.**	**Applicant(s)**	
	10/561,459	VAN HOUTUM, WILHELMUS JOHANNES	
	Examiner	**Art Unit**	
	Christian A. Hannon	2618	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 January 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.
   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: *2,4-6,8 and 9*.
   Claim(s) rejected: *1,3,7,10*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

CH 2/19/2008

Continuation of 11. does NOT place the application in condition for allowance because: In response to applicant's argument 'A', the examiner respectfully disagrees, the two references are analogous subject matter pertaining to interference cancellation in receivers, furthermore they are both geared towards interference elimination based on a signal's phase differential. The very basis of the applicant's argument that Rozmaryn and Kantschuk use different approaches to perform their task is erroneous; the applicant' goes on to cite two instances of phase differential interference elimination and draws the conclusion that these are different approaches. Calling something a sine wave pertains to a zero phase, that is the in phase portion of the signal. Cosine is 90 degrees out of phase with the sine wave, 90 degrees out of phase being the very definition of a quadrature signal to the inphase signal. Simply put calling something inphase/quadrature is analogous to calling something sine/cosine. Furthermore as both teachings utilize a phase difference to then correct the phase of the signal they are in fact very similar teachings. The applicant's argument's that the bandpass filter would not work on these in phase and quadrature inputs is unfounded in view of the clarification above. The application of a BPF is widely known and has no established limit on the inputs to be effected. The examiner has used the teaching that the BPF is capable of cancelling narrowband interference based on the result of a frequency offset, and has placed no significance to the physical structure, merely the effected outcome capable obvious to one of ordinary skill in the art.
In response to applicant's argument 'B', as set forth above there is motivation stemming from the fact that both systems deal with phase difference based signal correction. Furthermore the well known presence of narrowband interferers in cellular communications would be motivation enough in order to strive for a higher quality communication.
In response to applicant's argument 'C', the applicant's assertion that the combination fails to teach the limitation of "subtracting a reference signal from a received input signal and calculating the phase of a result of the subtraction on the basis of an arctangent function." The examiner believes the applicant may be reading too much into the claimed text, while the claim is read in light of the specification, the specification is not read into the claims. With that point, the examiner has taken, as correctly pointed out by the applicant the Rozmaryn teaching of Figure 3, where a signal is subtracted at unit 34 from an incoming signal producing delta phi sub k prime. The basis of an arctangent, producing phi sub k, is indeed from the unit 32 of Rozmaryn Figure 2, based on this arctangent a subtraction takes place and then a phase is calculated based on this subtraction producing delta phi sub k prime into delta phi sub k. The examiner maintains the rejection based on the lack of chronology in the claim language, and as it currently reads is read on by the applied art as explained herein.

Based on the foregoing arguments the rejection set forth in the previous action is deemed to be correct. Once again the examiner wishes to make the applicant aware of the objected claimed matter consisting of claims 2, 4-6, 8 & 9. .

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